

The Clerk of the Court is directed to  
mail a copy of this Order to the Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFREY GHIAZZA

Plaintiff,

v.

ANCHORAGE MARINA, INC., et al.,  
Defendants,

Lawrence W. Ghiazza Jr.

Pro se

Denied, as this case was dismissed and no Amended Complaint has been filed. Plaintiff is other to file Motion for Summary Judgement in lieu of amended complaint No. 19-CV-2792 (KMK) on Amended Complaint by 9/23/20 or face Dismissal with prejudice. So Order

I file my motion for Summary Judgment in Lieu of an amended complaint pursuant to CPLR 3213. The court has subject matter over the claims against defendant Anchorage pursuant to the Fed. R. Civ. P. Rule (2). Representative statutes are N.Y. Code 1848 (Laws 1848, ch. 379) §62; N.Y.C.P.A. (1937) §8 and the Fair Debt Collection Practices Act."15 USC 1692, see sections (806§ Harassment and abuse 15 USC 1692e), (§807 False or Misleading representations 15 USC 1692f), (§808 Unfair Practices 15 USC 1692g) (§809 Validation of Debts 15 USC 1692h), (§813 Civil Liability 15 USC 1692l). Defendant Anchorage failed to validate the debt prior to ascribing such financial responsibility to me as prescribed in section (§809 Unfair Practices 15 USC 1692K) of the fair debt Collection Practices Act, Therefore, an action to enforce any liability created by this subchapter may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs. This statute of limitations is tolled by the fraud and the continuing violation doctrine since the fees are still due according to the defendant Anchorage. The doctrine relieves a plaintiff of a limitations bar if he/she can show a series of related acts to him/her, one or more of which falls within the limitations period. *Pegram v. Honeywell, Inc.*, 361 F.3d 272, 279 (5th Cir. 2004).

The court has jurisdiction over the claims brought against defendant Lawrence Ghiazza pursuant to the Fed. R. Civ. P. Rule (2) and there is no statute of limitations. I performed renovations on the mobile home property of my Parents, for which my Parents owed me approximately \$13,650. My Parents unsuccessfully transferred title of their boat, the "Lucky Four," to me as partial payment of the debt. The Lucky Four, which is registered with the U.S. Coast Guard, was valued at approximately \$3,600, leaving a balance of approximately \$10,050 still due to me. Subsequently, prior to my parent's death Defendant Lawrence W. Ghiazza, Jr. was named as the responsible party over the remaining business. There are no letters of administration

lings. To date defendant Lawrence Ghiazza has not arranged for  
ebt to me. It was agreed that Defendant Lawrence Ghiazza pay  
er the Lucky Four to me free of all encumbrances. Defendant  
so. The Lucky Four currently remains in the possession of the  
aiming storage that is due by me. Although my father maintained  
property in exchange for storage the Lucky Four for over twenty  
laims that a lien was placed on the boat prior to the unsuccessful

on the Lucky Four while in the care and control of my deceased  
hiazza, I am not financially responsible for the payment of past  
ant Anchorage has no grounds to demand payment for storage  
ever legally transferred or in my possession during the time that  
it Anchorage collect these fees from the rightful owner either  
rsonally or the estate of my deceased father. This conduct is  
or practice in violation of the Fair debt Collection Practices Act  
ommission Act (15 U.S.C. 41 et seq.). Thus, the defendant  
ection 1692k of title § 812 for failure to comply with a provision  
able for damages pursuant to § 813, 15 USC 1692l. Wherefore,  
nt to dismiss defendant Anchorage's defense with prejudice and  
ie Fair Debt Collection Practices Act. I also motion for summary  
ence Ghiazza in the sum of \$13,650 plus court costs.

Murphy, P.C.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFREY GONZALEZ

(List the name(s) of the plaintiff(s)/petitioner(s).)

19 Civ. 2792 ( ) ( )

- against -

AFFIRMATION OF SERVICE

Anchorage Marina, Inc., et al.,

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) JEFF GONZALEZ, declare under penalty of perjury that I served a copy of the attached (list the names of the documents you served): Motion For Summary Judgment in lieu of Amended Complaint

upon all other parties in this case by (state how you served the documents, for example, hand delivery, mail, overnight express) Certified mail to the

following persons (list the names and addresses of the people you served): COOK ANETTER

85 Main Street Kingston N.Y. 12402

Russel A Schindler ESQ 285 Wall Street  
Kingston N.Y. 12401

on (date you served the document(s)) 8-24-2020

8-24-2020  
Dated

JEFF GONZALEZ  
Signature 52 Pine Hollow Rd

Address Pleasant Vale, NY

City, State 12569

Zip

Telephone Number

E-Mail Address

JEFF GONZALES  
5390e Holl Rd  
Pleasant Valley, NY  
12569

7019 1640 0000-7756 0335



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Clerk of the Court  
300 Quarropas street  
Whetstone Plains NY. 10601

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